

PUBLIC SERVICES – APCS (Ex.Br) – Revenue Department – Sri. Ramarathnaiah, former Spl. Dy. Collector, (LA) Somasila Project, Unit – IV, Rajampet (FAC),(now dismissed from service) – Failed to file appeals in the Hon’ble High Court against the Judgment dt: 16-1-1993 of Sub-Court, Rajampet in LAOP No. 1531/88 to 1533/88 – Disciplinary action initiated – Article of charges framed – Inquiry conducted – Charges held proved – Final orders – Issued.

REVENUE (VIGILANACE-III) DEPARTMENT

Dated:10 -8-

Read the following:-

1. From the Chief Commissioner of Land Administration, A.P., Hyderabad Lr. No. VS III (1)/2636/98, Dt: 15-5-2005.
2. G.O.Rt.No. 200, Revenue (Vig.III) Dept., Dt:24-1-2006.
3. From Sri. Ramarathnaiah, Spl. Dy.Collector, written statement of defence dt: 3-5-2006.
4. G.O.Rt.No.1281, Revenue (Vig.III) Dept., Dt: 7-6-2006.
5. Govt. Memo No. 25210/Vig.III(1)/2005-5, Dt: 7-6-2006.
6. G.O.Ms.No. 1279, Revenue (Vig.III) Dept., Dt: 9-10-2007.
7. From the Joint Collector, Nellore, Lr. No. A1/No/3782/2006, Dt: 20-3-2008.

ORDER:

It was brought to the notice of the Govt. that Sri. Ramarathnaiah, while working as Special Dy. Collector, Telugu Ganga Project, Kadapa has committed certain grave irregularities in payment of compensation for the endowment lands to certain individuals. Govt. after following the due procedure, have dismissed Sri. Ramarathnaiah, from service vide G.O. 6th read above.

2. In another case, the Chief Commissioner of Land Administration, A.P., Hyderabad in the reference 1st cited, has submitted proposals for initiation of disciplinary action against Sri. Ramarathnaiah, former Spl. Dy. Collector, (LA) Somasila Project, Unit - IV, Rajampet (FAC),(now dismissed from service) for the irregularities committed by him in not filing the appeals in the Hon'ble High Court against the Judgment dt: 16-1-1993 of Sub-Court, Rajampet in LAOP No. 1531/88 to 1533/88 of Boyanapalli village, Nandalur Mandal of Kadapa Dist. even though the lower court enhanced the compensation for more than 50% and facilitated the claimants to file Execution Petitions in the sub Court and get the amounts released.
3. Govt. after careful examination of the proposals of the Chief Commissioner of Land Administration, A.P., Hyderabad, has initiated disciplinary action and issued the following article of charge vide G.O. 2nd read against Sri. Ramarathnaiah, former Spl. Dy. Collector, (LA) Somasila Project, Unit - IV, Rajampet (FAC),(now dismissed from service) duly calling for his written statement of defence.

“ Sri. Ramathanaiah while working as special Deputy Collector, Land Acquisition, Somasila project, Unit-IV, Rajampet failed to file appeals in the the Hon’ble High Court against the Judgment dt: 16-1-1993 of Sub-Court, Rajampet in LAOP No. 1531/88 to 1533/88 of Boyanapalli village, Nandalur Mandal of Kadapa Dist. even though the lower court enhanced the compensation for more than 50% and facilitated the claimants to file Execution Petitions in the sub Court and get the amounts released. Therefore, Sri. Ramarathnaiah, exhibited lack of propriety and lack of devotion towards official duty and thus violated Rule 3 of A.P. Civil Services (Conduct) Rules.1964.”

Sri. Ramarathnaiah, in the ref. 3rd read above, has submitted his written statement wherein he has submitted that, while he was working as SDC, L.A., Nandyal he has been placed FAC of the post of the SDC, Land Acquisition, Somasila Project, Rajampet for a short period in three different spells, 5.6.1992 to 09.1992, 23.4.93 to 28.7.93 and 2.5.94 to 30.6.94 that simultaneously he has been holding FAC of the post of the SDC, TGP, Kadapa in addition to the regular charge of the post of the Special Deputy Collector, L.A., TGP, Nandyala.

The copies of the judgments and decrees in respect of LAOP No.1531/88 to 1533/88 were passed on 16.1.93 by Subordinate Judge, Rajampet, as mentioned in the charge and that the limitation period for preferring appeal is 90 days and the same ended on 15.4.93 as mentioned in the charges during that period the 90 days he was not in-charge of the O/o the SDC, L.A. Somasila Project, Rajampet, Kadapa and that the officers who were holding the charge ought to have been made responsible for not obtaining the certified copies of decrees and judgments and prefer appeals to the Hon'ble High Court. The responsibility of obtaining the certified copies of Decrees/Judgments and also offering legal opinion as to filing of appeals is also lies with the Asst. GP, Subordinate Court, Rajampet and the Asst. GP did not do so and that thus it is clear that he was not discharging the additional charge of the post of the SDC, L.A., Somasila Project, Rajampet, Kadapa during the crucial limitation period and that he was no way connected with either not obtaining the certified copies of the decrees/judgments or not preferring the appeals within the limitation period, since he was not discharging the office during that particular period. After taking charge of the post, he issued specific order to Special RI under the supervision of the Supdt. (Special Deputy Tahsildar) to obtain certified copies of decrees and judgments from the Hon'ble Sub Court, Rajampet along with the legal opinion from the Asst. GP, Subordinate Court, Rajampet for preferring appeals in the Appellate Court. He further submitted that he was relieved and handed over the charge to the regular Special Deputy Collector that he is ignorant of G.O.Rt.No.710, I&CAD (PW-TGP.III) Deptt., dated 19.9.98 and attachment of Rs.14,77,252/- by filing execution petition in Subordinate Court, Rajampet that his additional charge ended on 30.6.94 and he was no way responsible for the happenings in the year 1998 and requested to drop further proceedings.

Govt. after careful examination of the written statement of defence submitted by the Charged Officers has opined that the same is not convincing, and therefore appointed the Joint Collector, Nellore as Enquiry Officer and District Revenue Officer, Nellore as presenting officer in the refs. 4th and 5th read above respectively.

The Joint Collector, Nellore in the ref.7th read above, has submitted his enquiry report in respect of the article of charge framed against Sri. Ramarathnaiah, Spl. Dy. Collector, Nellore and hold that the charge is held proved as follows:

"The contention of the C.O. has verified with reference to the charge framed and the case made by the P.O. It is a fact that there is delay in preferring appeals. The judgment in the said LAOPs was delivered on 16.1.1993. The C.O. has discharged the duties as SDC, Rajampet on FAC on different spells during 1993 and 1994. Hence, he was expected to prefer appeal along with application for condonation of delay. Mere issuing of Office Orders, entrusting the responsibility of obtaining the judgments and legal opinion is not sufficient on the part of Special Deputy Collector and he was expected to pursue the issue on day wise basis. The contention that it is the responsibility of only the Asst. GP to obtain copies of decree and render legal opinion is not tenable and it is the responsibility of the Land Acquisition Officer to pursue with the GP. Thus there are clear lapses on the part of the SDC and the charge is held proved. But considering the fact he was holding the post only in the capacity of the FAC besides discharging regular duties a lenient view may be taken."

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8. Government after careful consideration of the matter has observed that the irregularities committed by the charged officer are very serious and thereby ca

loss to the Govt. Exchequer. Therefore he deserves a punishment of a 5% cut in pension for a period of 2 years. But the punishment could not be implemented since in the other case, the punishment of dismissal was already imposed against the Accused Officer vide G.O. 6th read above. Accordingly the Govt. hereby disposes of the case against Sri. Ramarathnaiah, former SDC (LA), Somasila Project, Unit-IV, Nellore District (now dismissed from service)

9. The Chief Commissioner of Land Administration, A.P., Hyderabad shall take any necessary further action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

RAJESHWAR TIWARI
SECRETARY TO GOVERNMENT

To
Sri. Ramarathnaiah, former SDC (now dismissed from service)
(Through the CCLA, AP, Hyderabad)
The Chief Commissioner of Land Administration,
A.P., Hyderabad.
The Collector, Nellore District.
Copy to:
The Secretary to Vigilance Commissioner,
APVC, Secretariat, Hyderabad.
SC/SF.

//FORWARDED BY ORDER//

SECTION OFFICER